



W.P.No.33982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 06.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33982 of 2024
and
WMP.Nos.36791 & 36792 of 2024

Shabistha Begum

... Petitioner

Vs.

- 1.The superintendent Engineer
TANGEDCO
Chengalpattu.
- 2.The Executive Engineer
O & M, Maraimalainagar
Kancheepuram.
- 3.The Assistant Executive Engineer
O& M, Guduvancheri
Chengalpattu.
- 4.The Assistant Executive Engineer
O & M, East, Guduvancheri
Chengalpattu.



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5.The Assistant Engineer
MRT/Metering
Chengalpattu.

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the order passed by the third respondent vide impugned proceedings dated 08.10.2024 bearing reference Letter No.A.E/O&M/Gud/Nagar/Divn/O.No.103 and all proceedings pursuant thereto and quash the same as illegal, arbitrary, malafide, in violation of principles of natural justice and time barred and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.Abinesh Babu

For Respondents : Mr.L.Jaivenkatesh for R1 to R5
Standing Counsel (TNEB)



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ORDER

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This Writ Petition is filed for a certiorari calling for the records relating to the order passed by the third respondent, vide impugned proceedings, dated 08.10.2024. By the said order, it was noticed that the assessor concerned, who have been reporting the actual consumed units, have not done so by proper physical verification and has been reporting only lesser units. On account of that, when they realised that the actual units were more than what is reported, suddenly the differences are calculated and a sum of Rs.2,14,662/- was ordered to be paid.

2. *Mr.Abinesh Babu*, the learned counsel appearing on behalf of the petitioner reiterating the contentions made in the Writ Petition would submit that when the petitioner has rented out their premises, there several tenants, who were staying in the premises. Their property is nearby a college and therefore, the students who were staying as tenants there were liable to pay the electricity charges. On account of the mistake, now the petitioner cannot collect the charges from the erstwhile tenants, who stayed in the premises. Therefore, for the mistake that was committed by the assessor, the



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petitioner cannot be compelled to bear the loss. In any event, the learned counsel submits that a huge burden cannot be now suddenly mulcted on the petitioner. In any event, if the employee is also at fault, at least part of the liability should be mulcted on the employee and the loss can also be recovered from the delinquent employee. To the extent the loss is recovered from the delinquent employee, the petitioner should be given the rebate and the petitioner can only pay the balance amount.

3. Per contra, *Mr.L.Jaivenkatesh*, the learned Standing Counsel appearing on behalf of the TANGEDCO would submit that the amount which is claimed is only as per the actual units, which is consumed by the petitioner's premises. It is true that the mistake was done by the assessor and for the same, disciplinary action will be taken against the said assessor. But however, for the amount consumed, it is only the petitioner who is liable to pay the amount. Therefore, there is no error whatsoever because the actual units have been verified by the system and it has been taken into account as per the respective monthly basis only. Therefore, it cannot be said that the petitioner is put to any loss.



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4. I have considered the rivals submissions made on either side and perused the material records of the case.

5. An ordinary customer pays the consumption bill, which is raised by the respondents monthly. A normal person will not go and check the meter reading and that of the reading that is entered into by the assessor unless the same is extraordinarily high or there is anything abnormal in the same. In that view of the matter, here, the mistake is that of the assessor in not physically verifying the actual units and entering into lesser units month on month, thereby resulting in accumulation of so many units on the date of the inspection and suddenly, now the petitioner is directed to pay the huge sum of Rs.2,14,662/-. Certainly, the same will cause prejudice to the petitioner. But, however, at the same time, it is the price of the actual units, which is consumed by the petitioner.

6. Therefore, in the instant case, in the interest of justice, the grievance of the petitioner can be alleviated by granting instalments. The sum of Rs.2,14,662/- shall be collected in monthly instalments of Rs.10,000/-



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every month. Along with the actual consumer bill, an extra sum of Rs.10,000/- per month can be levied and accordingly, it will be added to the bill of the petitioner bi-monthly, apart from the actual units consumed presently. Accordingly, 20 monthly installments can be paid by the petitioner and the last instalment will be for Rs.14,662/-. No further interest can be claimed from the petitioner. As represented before this Court, due disciplinary action shall also be initiated against the assessor. In the event, if the disciplinary action results in any punishment of monetary fine or recovery of amount, then the said amount should also be given as rebate to the petitioner and adjusted in the sum due and payable.

7. With the above direction, this Writ Petition is disposed of. It is made clear that if default is made by the petitioner in paying the installments or the current consumption charges, it is always open to the respondent board to take action in the manner known to law. Since this Court is inclined to grant installments, let the connection be restored forthwith. Apart from the above controversy, from the impugned order, the learned counsel brings to the notice that there is yet another discrepancy where some units are calculated



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with reference to the disconnected period also. The respondent shall also look into the same and pass orders with reference to the same. No costs.

Consequently, connected Miscellaneous Petitions are closed.

06.02.2025

Neutral Citation : No
dna

To

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